

REPORT OF THE COMMISSION ON JUDICIAL RESOURCES
TO THE SUPREME COURT AND GENERAL ASSEMBLY

December 1991

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I. MOST PRESSING NEEDS OF JUDICIARY WITHIN THE NEXT 3 YEARS

The Commission concludes that the most pressing needs are those related to physical facilities, automation, clerical support staff and additional judges.

A. *PHYSICAL FACILITIES*

Some specifics and why they are needed:

- Additional Courtrooms

While caseload has doubled and tripled over the last several decades, courthouses have not grown. In fact, the needs for space in the courthouses have been at a premium for years. Many courtrooms constructed in the early 1900's were designed to allow large numbers of the public to attend trials and public meetings. Today, except for high profile cases, that space is poorly utilized, but often not easily remodeled.

Frequently, when a judge is disqualified, the assigned judge takes the only available courtroom. Cases which could be heard by the original judge are delayed. While senior judges and judges from other circuits may be available, these judges often cannot be used because there is no courtroom available.

Courtroom use is expanding due to increases in number and complexity of cases. Trials are being delayed, affecting among others, constituents who are victims of crimes and those seeking marriage dissolutions and civil judgments for monies owed.

The jurisdiction of associate circuit judges has been expanded by statute which increases the number and length of trials. Some associate judges have no courtroom regularly available to them and must use their offices for hearings.

- Storage Areas

Case files consume space. In many courts these files cannot be stored in regular storage space. They are not readily accessible and are susceptible to damage.

Files housed in basements and attics, for example, are subject to damage from flooding, rodents and extreme temperatures. Such fact can be disconcerting to constituents needing copies of decrees, to prosecutors trying to determine whether a defendant may be charged as a prior or persistent offender, and to persons needing to know trial dates. Of particular significance is the damage done to records later deemed to have historical importance and to those valued by constituents seeking genealogical information.

- Work Areas for Support Staff

Court support staff often work in extremely cramped conditions in courtrooms, hallways and makeshift offices. The lack of space often reduces the ability of the staff to provide assistance to the public.

- Handicapped Access

Constituents with physical disabilities are denied access to some courthouses because such features as elevators, railings and enlarged rest room facilities have not been provided.

Counties have primary responsibility for construction and renovation of physical facilities. However, state incentives are needed to encourage such development.

B. AUTOMATION

A number of benefits may be realized from increased automation including:

- enhanced accountability of funds and assurance that the state and counties receive all monies collected on their behalf by the courts.
- enhancements to the state's cash flow and increased amounts of interest earned on the more than \$250 million collected annually in the courts.
- reduction of county costs by making more efficient use of space and eliminating the need for storage space outside the courts.
- speedier processing of criminal cases thus reducing county costs by decreasing jail time.
- better use of judges' time through management of dockets.

- maximized use of courtrooms through coordinated scheduling.
- better information for record checks for prospective child and older adult care providers and school bus drivers.
- service to constituents through 24 hour a day telephone access to case information, such as the date the last child support check was mailed to a custodial parent.
- more efficient retrieval of information, particularly important to constituents needing to conduct business during a work break.
- the ability to compile information required by statute, which is currently unavailable. For example, 476.412, RSMo requires presiding judges to report on "the average duration of cases until final disposition". The only way to produce this information, without impacting already overtaxed clerks, is through automation.

C. CLERICAL SUPPORT STAFF

Among the consequences of insufficient staffing are

- delays in papers being filed, notices being sent and actions to enforce civil judgments being commenced.
- costs and fees going uncollected, which impacts both state and local revenues.
- errors resulting in parties not being credited with payments made.
- delays in judgments being filed, affecting the property rights of constituents.
- delays in warrants being cancelled, resulting in wrongful arrests.
- constituents having to wait for extended periods to get answers to their questions.

D. ADDITIONAL JUDGES

The number of judges in some circuits is insufficient to keep pace with the growing caseload. The need for additional judges is being met in some areas by senior judges or by judges transferred from other circuits.

Where an additional judge is needed for an extended period of time or in instances where a judge may not be available for transfer, senior judges make a particularly valuable contribution. Because these judges are compensated based on the difference between their retirement pay and the salary of the office from which they retired, it is less costly to use these judges than to create an additional judgeship. Cost savings are also realized by counties because permanent office space is not required for the senior judges. In most locations, these judges work in whatever existing office space is not currently being used. More extensive use of these judges could be made if courtrooms and funding were available.

Nine of the 44 presiding judges surveyed indicated that an additional judge would be needed within the next three years. The Commission believes that in three of these circuits, these needs have been at least partially satisfied by reorganization of the circuits and the addition of associate judges in counties meeting the statutory criteria for an additional judgeship based on population growth.

II. PRESIDING JUDGES' OPINIONS REGARDING ABILITIES TO HANDLE CURRENT AND FUTURE CASELOAD
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Approximately one in six of the presiding judges reported they were unable to remain current in handling the present caseload.

A number of factors which may result in some circuits falling behind in the future are:

- population growth: results in more cases involving real estate, such as petitions to enforce mechanics' liens and landlord/tenant actions; in more suits involving recovery of monies; in more domestic disputes; in increased criminal filings, particularly those involving offenses against persons and property. With the expansion of retirement communities, there are also significant increases in the numbers of decedents' estates and guardianships and conservatorships opened.
- new corrections or mental health facilities: results in more cases filed by inmates, which has a significant effect on circuits with correctional facilities. The filing of matters involving involuntary detention of persons alleged to be mentally disordered or to be addicted to drugs or alcohol has a major impact on circuits with mental health facilities.
- highway construction: results in an increase in condemnation suits, sometimes involving hundreds of parties, before the highway is opened. After opening, the traffic caseload increases. This is particularly true if a weight station has been established on the new highway.

- tourism: the increased volume of people results in increased suits to recover damages and in criminal prosecutions for bad check charges, stealing and traffic violations.
- new legislation: expands the causes of action under which persons may file suits and broadens the list of activities which constitute a felony or misdemeanor. Examples: establishment of "adult abuse" as a cause of action has had a major impact on the courts. Reforms of DWI laws and expanded penalties for drug and alcohol related driving offenses have increased the judiciary's workload.

III. COMMISSION RECOMMENDATIONS FOR ADDRESSING NEEDS OF JUDICIARY
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The Commission recommends the following:

A. AUTOMATION

The Commission recommends expanded automation for the judiciary. Note that some of the funding may be available through increased court costs.

B. PHYSICAL FACILITIES

The Commission recommends assigning senior judges/transferring judges from other circuits to dispose of cases if counties agree to expand or improve facilities to accommodate these judges.

C. SENIOR/TRANSFERRED JUDGES

The Commission recommends increased utilization of senior judges in those areas needing temporary assistance due to vacancies, illnesses and pregnancy. Some increase in funding will be needed.

The Commission further recommends expanding the program for aggressively transferring judges into areas where an increase in judicial manpower could result in more timely disposition of cases and better service to litigants. A pilot project involving the transfer of judges from northeast Missouri into St. Louis County was begun in September 1991.

Money will be needed for equipment and travel expenses. No additional money for salaries will be required.

D. ST. LOUIS COUNTY--COUNTY ORDINANCE VIOLATIONS

The Commission recommends removing county ordinance violation cases from the St. Louis County associate

circuit court. There were approximately 32,400 county ordinance violations cases filed in FY 1991. Elimination of this workload will free both judge and clerk time, reduce storage requirements at the court, assist in reducing parking problems around the court, and help address the overcrowding in the courthouse itself, resulting from large numbers of defendants appearing to stand trial, request continuances or pay fines.

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STATEWIDE CASELOAD, TRANSFER AND ASSIGNMENT STATISTICS
FY 1991

(Note: Data has not been fully validated and may be adjusted prior to publication in the Missouri Judicial Report.)

Graph 1
Missouri Circuit Court
Cases Filed and Disposed
FY 1991

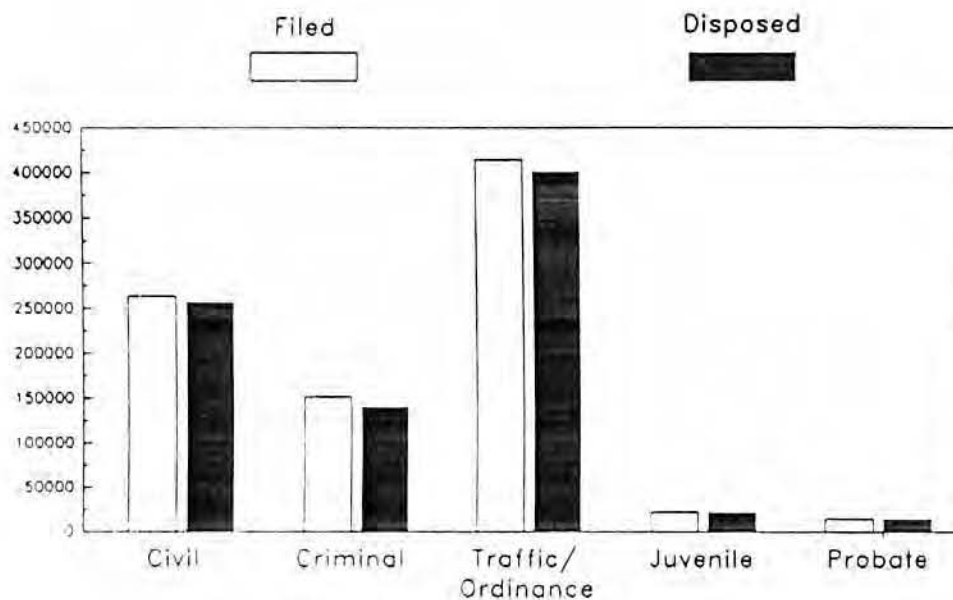


Table 1
Missouri Circuit Court
Cases Filed and Disposed by Case Type
FY 1991

Case Type	Filed	Disposed	Disposition to * Filing Ratio
Civil	257632	252860	0.98
Criminal	151440	139884	0.92
Traffic/Ord	414045	400766	0.97
Juvenile	21814	21179	0.97
Probate	14107	13578	0.96
Total	859038	828267	0.96

* This ratio, calculated by dividing the number of cases disposed by the number filed, gives an indication of how well the courts are keeping up with their workload. A ratio of 1.00 or greater indicates that the courts disposed at least as many cases as were filed. A ratio of less than 1.00 indicates that the courts disposed fewer cases than were filed and experienced an increase in pending caseload.

Table 2
Missouri Circuit Court
Cases Disposed by Manner of Disposition
FY 1991

<u>Case Type</u>	<u>-With Trial-</u>		<u>-----Without Trial-----</u>				<u>Total</u>
	<u>Jury</u>	<u>Court</u>	<u>Uncont.</u>	<u>Plea</u>	<u>Dism</u>	<u>Other</u>	
Civil	891	38863	108641	---	79277	25188	252860
Criminal	1032	2570	---	80590	33835	21857	139884
Traffic/Ord	33	9072	---	351450	39557	654	400766
Total	1956	50505	108641	432040	152669	47699	793510

(Note: Other includes such manners of disposition as change of venue, certification, and bind over of felony preliminary cases.)

Table 3
Missouri Circuit Court
Judge Transfers/Assignments
FY 1991

	<u>No. of Judge Transfers/ Assignments</u>	<u>No. of Days</u>	<u>No. of Cases</u>
Transfers Outside Circuit	1058	1521	908
Senior Judge Assignments	226	885	68

(Note: Number of days on transfer outside circuit includes 452 days accepted by judges from the 32nd Circuit into Perry County. Effective August 29, 1991, Perry County became part of the 32nd Circuit.)

Much of the information in this report was obtained from responses to a survey which was distributed to presiding judges. The responses of individual judges may not be reflected in the summary information contained in this report.

In addition, the statistics in the appendix are for the state as a whole and may not mirror the caseload, judicial transfers or senior judge assignments within a particular circuit.

If you would like more detailed information regarding the needs and opinions expressed for individual circuits or would like statistical information regarding specific circuits within the state, please contact:

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